IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 8235 of 2005

Between:

B.Kalamalakumari, W/o.B.Seetha Reddy,
R/o.Pamarru, Pamarru Mandal,
Krishna District.

..... PETITIONER

AND

1.The Government of Andhra Pradesh,

Panchayat Raj Rural Development,

rep.by its Principal Secretary to Government,

Secretariat Buildings, Hyderabad.

2.The Commissioner for Panchayat Raj

and Rural Employment, Govt. of A.P.,

Urdu Hall Lane, Himayatnagar, Hyderabad.

3.The District Collector, (Panchayat wing),

Krishna, Machipatnam, Krishna District.

4.R.Krishnavasu, S/o.R.Narasimha Rao,
Presently Temporary Sarpanch, Pamarru

Gram Panchayat, Pamarru, Krishna Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly, one in the nature of writ of Mandamus declaring the impugned proceedings the impugned orders Memo No.2904/PTS-II/A1/2005-I, dated 02-03-2005, passed by 1st respondent, as highly illegal, arbitrary, null and void, in violative of section 249 (7) of A.P.Panchayat Raj Act; 1994 and principles of natural justice and consequential set aside the same.

Counsel for the Petitioner: MR.K.V.RAJENDRA PRASAD

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.4: MR.SRINIVAS DAMMALAPATI

The Court made the following:

ORDER:

This writ petition is filed questioning the impugned stay order dated 02.03.2005 passed by the 1st respondent on the revision filed by the 4th respondent.

2. The petitioner is the Sarpanch of Gram Panchayat, Pamarru, Krishna District. Earlier, he was removed by the 3rd respondent-District Collector in exercise of powers under Section 249 of the Act. As against the same, the petitioner preferred appeal to the second respondent-Commissioner for Panchayat Raj and Rural Employment. He passed orders setting aside the orders of the District Collector and remitted the matter to the District Collector. As against the same the 4th respondent-ward member of the Gram Panchayat has preferred further revision to the Government. The Revisional Authority has passed the impugned order dated 02nd March, 2005.

3. It is submitted by the learned counsel, the 4th respondent is not having *locus standi* to question the orders of the Appellate Authority.

4. As much as the impugned stay orders are passed by the 1st respondent and revision application is pending before the Government, I dispose of the writ petition directing the first respondent-Government to dispose of the revision within two weeks from the date of receipt of a copy of this order by issuing notice to the

petitioner as well as to the 4th respondent. It is open for the petitioner to question the maintainability of the revision filed by the 4th respondent before the first respondent-revisional authority.

5. Subject to the above direction, the writ petition is disposed of. No costs.

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R.SUBHASH REDDY,J.

Date: 28th April 2005.

BSB

Note:

Despatch the order

in three days.

// B.O.//

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Principal Secretary to Government,

Panchayat Raj Rural Development,

Government of Andhra Pradesh,

Secretariat Buildings, Hyderabad.

2.The Commissioner for Panchayat Raj

and Rural Employment, Govt. of A.P.,

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Gram Panchayat, Pamarru, Krishna Dist.

5. Two CCs to the Government Pleader for Panchayat Raj & Rural

Development, High Court of A.P., Hyderabad (OUT).

6. Two CD copies

7. 1 CC to MR.NALIN KUMAR

*Form-NIC-OGS/WP{**JA**}*